

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERRY WARD MATTSON, III,

Defendant.

CR-16-54-GF-BMM-2

**FINDINGS AND
RECOMMENDATIONS TO
REVOKE DEFENDANT'S
PRETRIAL RELEASE**

On August 31, 2016, the parties appeared before the undersigned for a detention hearing. After hearing the parties' arguments and witness testimony, the undersigned released Mr. Mattson subject to conditions. (Doc. 36.)

On September 9, 2016, the United States Probation Office (USPO) filed a petition alleging that Mr. Mattson violated the conditions of his pretrial release by using methamphetamine and marijuana. (Doc. 38.) On September 20, 2016, Mr. Mattson appeared in front of the undersigned with his attorney, Mark Meyer. Assistant United States Attorney Bryan Dake represented the United States. The Court both heard testimony from the USPO officer assigned to Mr. Mattson, Ray

Antonsen, and reviewed documents Mr. Mattson signed. The evidence submitted at the hearing proves by clear and convincing evidence that Mr. Mattson violated the conditions of his supervised release. The evidence also proves that it is unlikely Mr. Mattson can abide by any condition or combination of conditions of release.

The Court **FINDS:**

1. Clear and convincing evidence establishes that Mr. Mattson violated conditions of his pretrial release as alleged in the petition.
2. It is unlikely Mr. Mattson can abide by any condition or combination of conditions of release.

The Court **RECOMMENDS:**

The Court should revoke Mr. Mattson's pretrial release, and he should remain in custody pending further proceedings.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written

objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

Dated the 26th day of September, 2016.



John Johnston
United States Magistrate Judge